



Decision Memo

Bayfield Electric Hwy N Sec 31 Line Burial

USDA Forest Service
Washburn Ranger District
Chequamegon-Nicolet National Forest

Proposal

Bayfield Electric Cooperative has requested an amendment to their permit for the authorization to bury their existing overhead power line in a new corridor along County Highway N on National Forest System land in Bayfield County. The existing power line is being impacted by the high water and the power poles are currently are underwater. In response to the high water in the area, the County Highway N has been raised. Because widening the road is necessary as the roadbed is built higher, power line clearance issues are developing during County Highway N maintenance activities. Bayfield Electric also indicated how burying the line improves reliability because it removed the risk of a power outages from a tree falling on the powerline. They mentioned this is of particular concern along this route because the trees are underwater and are dying.

Location

The project is located in Bayfield County at T45N, R8W, Sections 31.

Decision

I have decided to approve Bayfield Electric Cooperative's request and allow the burial of the electric line in a new corridor along Highway N. The amendment would add the new corridor to the Bayfield Electric Cooperative's existing permit. The approximate acreage is 0.82 (1,782 feet by 20 feet). This decision includes the removal of electrical poles and infrastructure in the abandoned section along Highway N.

This decision will help Bayfield Electric upgrade their services thus improving public safety and the reliability of electric service in the area. Burying the line eliminates the concern with the overhead line being in way of County Highway maintenance.

My decision includes the following Project Design Measures:

- Follow Wisconsin's Forestry Best Management Practices for Water Quality (BMP's) when working in wetlands.
- For new line, use mats in wetlands or complete during frozen ground conditions.
- Heavy equipment used on-site should be clean of NNIS seeds or propagules.
- If archaeological remains are found prior to or during implementation, work will stop immediately until evaluation and clearance are provided.

Tribal Involvement

The Forest Service contacted Tribal Chairs, Tribal Historical Preservation Officers, and Tribal Natural Resource Staff to see if they have any comments or questions regarding the project proposal. No issues have been identified.

Contacts included: Bad River Band of Lake Superior Chippewa Indians, Bay Mills Indian Community, Fond du Lac Band of Lake Superior Chippewa, Forest County Potawatomi Community, Ho-Chunk Nation, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Menominee Indian Tribe of Wisconsin, Mille Lacs Band of Chippewa Indians, Oneida Tribe of Indians of Wisconsin, Red Cliff Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, Mole Lake Chippewa Tribe, St. Croix Chippewa Indians of Wisconsin, Stockbridge-Munsee Band of Mohican Indians, Great Lakes Indian Fish and Wildlife Commission, and Wisconsin Tribal Conservation Advisory Council.

Public Involvement

This project was scoped to the Town of Drummond and Bayfield County. No impacts or issues were identified.

Reasons for Categorically Excluding this Action

The Forest Service has identified typical classes of actions that normally do not require documentation in an environmental impact statement (EIS) or environmental assessment (EA) per 40 CFR 1507.3 (b) (2). These types of actions are called categorical exclusions. An action may be categorically excluded from documentation in an EIS or an EA only if that action falls within one of the identified categories in the Code of Federal Regulations (CFR) at 36 CFR 220.6 (d) and (e) and when there are no extraordinary circumstances (36 CFR 220.6 (b)).

This action falls within the following categories for which a project or case file and Decision Memo are required:

- 36 CFR 220.6(e)(3): Approval, modification, or continuation of special uses that require less than 20 acres of NFS lands.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I base this finding on the review of extraordinary circumstances which is documented in the Project File document titled: Review for Extraordinary Circumstances, 2021 Bayfield Electric Hwy N Section 31 Line Burial (EC Checklist). I considered resource conditions identified in 36 CFR 220.6 (b):

- *Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:* The project location is within known wolf pack territories. Overall project

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actions would occur in a small portion of the respective wolf pack territories and all disturbance will occur adjacent to an already existing ROW. No known wolf dens occur in the proposed project areas and project actions are not expected to negatively affect overall habitat suitability of wolves or their prey species. Determination – *No Impact*.

The project location is within suitable habitat Northern Long-eared bat (*Myotis septentrionalis*), Little brown bat (*Myotis lucifugus*), Tri-colored bat (*Perimyotis subflavus*), and Big brown bat (*Eptesicus fuscus*). Suitable potential roosting and foraging habitat is present within and adjacent to the project area. Direct impacts to these bats could occur as the proposed activities could take place during times when bats are active on the landscape (approximately April to October). Indirect effects would occur because of expected tree removal impacting suitable habitat. Tree removal is considered Not Prohibited Incidental Take under the Final 4(d) rule (50 CFR Part 17, Docket No. FWS-R5-ES-2011-0024; 4500030113, Endangered and Threatened Wildlife and Plants: 4(d) Rule for the Northern Long-eared Bat). Consultation and concurrence with USFWS was completed for “Utilities Rights of Ways and Special Use Roads”, which includes tree removal, under the Biological Opinion (FWS No. 03E19000-2015-F-0177). Effects to the Northern Long-eared Bat from the Batched Land Management Projects (BLP) 2015-2017 on the Chequamegon-Nicolet National Forest issued September 2015. All Final 4(d) Conservation Measures and appropriate Forest Service R9 Conservation Measures will be followed.

- Northern Long-eared bat (*Myotis septentrionalis*) Determination – *May affect, not likely to adversely affect*.
 - Little brown bat (*Myotis lucifugus*), Tri-colored bat (*Perimyotis subflavus*), and Big brown bat (*Eptesicus fuscus*) Determination - *May impact, not likely to trend to Federal listing or loss of viability*
- *Flood plains, wetlands, or municipal watersheds* would not be adversely affected. There are no municipal watersheds within the affected area. Wetlands and flood plains are present in the project area and the proposal is designed to follow Wisconsin’s Forestry Best Management Practices for Water Quality (BMP’s). New line installation across wetlands and flood plains mats would be used if not directional boring in these areas. No adverse impacts are expected because the new line installation would be either completed during frozen ground conditions or the use of mats when not directionally boring would be utilized (EC Checklist).
- This action does not take place in *Congressionally designated areas such as Wilderness, Wilderness Study Areas, or National Recreation Areas* (Forest Plan FEIS 3-199, 3-201 and EC Checklist).
- This action is not within or adjacent to an *Inventoried Roadless Area (Forest Plan FEIS Appendix C and 2000 Roadless Area Conservation Rule or RACR)*. (EC Checklist).
- This action is not within or adjacent to *Research Natural Areas or RNAs* (Forest Plan FEIS Appendix N) (EC Checklist).

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- *American Indian and Alaska Native religious or cultural sites* are not expected to be affected by these actions (EC Checklist).
- *Archaeological sites or historic properties or areas* would not be affected by these actions (EC Checklist).

Based upon experience with similar types of projects, this action is considered minor in context and intensity. This action is categorically excluded from documentation in an environment assessment or environmental impact statement.

Findings Required by Other Laws and Regulations

Clean Water Act, As Amended 1977: The Federal Water Pollution Control Act of 1972, as amended, is commonly referred to as the Clean Water Act. Under Section 404, the U.S. Army Corps of Engineers (ACOE) has been given responsibility to regulate the discharge of dredged and fill material into waters of the United States, including wetlands (33 CFR 323.3). There is no discharge of dredged and fill materials into waters or wetlands associated with this project.

Endangered Species Act (ESA) of 1973, As Amended 1978, 1979, 1982, 1988 (16 U.S.C. 1531): This Act provides direction to the Forest Service to establish objectives for habitat management and recovery through the Forest Plan for the conservation and protection of endangered and threatened species. This project is consistent with these guidelines. There is no critical habitat present in the project area. No impacts to threatened or endangered species are expected except for NLEB. See the previous section of this document. The project is consistent with the programmatic biological opinion for the NLEB final 4(d) rule, dated January 5, 2016. Any take of NLEB that may occur incidental to this project is not prohibited and would not result in jeopardy to the species.

National Historic Preservation Act (16 U.S.C. 470): This Act provides direction for Federal agencies to establish a program for preservation of historic properties. In compliance with this act, potential impacts to sites eligible for the National Register of Historic Places were considered in this analysis. No impacts are expected. If archaeological remains are found prior to or during implementation, work will stop immediately until evaluation and clearance are provided.

Wilderness Act: There is no designated or proposed Wilderness within the project area (Forest Plan FEIS 3-199).

Contact

For additional information concerning this decision, contact the project leader Kelly Scarbrough, 500 Hanson Lake Road, Rhinelander, WI 59501, phone number: (715)362-1314, email: Kelly.Scarbrough@usda.gov.

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Implementation Date

Implementation may start immediately after the date of signature on this document.

Signature



7/8/2021

Paul I.V. Strong
Forest Supervisor

Enclosure: Map

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